

## **TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS**

### **DIVISION 6: SOLID WASTE HANDLING FRANCHISES**

#### **Chapter 5: UNIFORM HANDLING SERVICE.**

##### **Sections:**

- 46.051 Uniform Handling Service.
- 46.052 Owner Responsible for Payment for Uniform Handling Service.
- 46.053 Failure to Provide Sufficient. Solid Waste Containers.
- 46.054 Exemption from Uniform Handling Service.
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- 46.057 Discontinuance of Service.
- 46.058 Penalties for Violations.
- 46.059 Illegal Dumping Retrieval Services.

##### **46.051 Uniform Handling Service.**

(a) Uniform Handling Service and Uniform Handling Areas shall be established by the adoption, or amendment, of an individual Franchise Agreement which contains provisions establishing same. Uniform Handling Service may but need not be implemented in every Franchise Area, nor in all parts of a given Franchise Area, nor imposed on the owners of all classes of dwellings or commercial or industrial units within a given Uniform Handling Area. If Uniform Handling Service is implemented for all or part of a particular Franchise Area, all owners of a dwelling or a commercial or industrial unit within the Uniform Handling Area who are required to have Uniform Handling Service shall, upon notice thereof, be required to accept Uniform Handling Service from the Grantee (or one of the Grantees) holding a Franchise Agreement for the Uniform Handling Area and pay the rate for such services currently in effect under the Total Rate of the applicable Franchise Agreement. The Department shall maintain a list of all areas of the County where a Franchise Agreement establishes a Uniform Handling Area; the list shall specify the class of owners of dwellings and/or commercial or industrial units within each Uniform Handling Area required to have Uniform Handling Service.

(b) Uniform Handling Service shall not be imposed on the owner of any class of dwelling or commercial or industrial unit located in an Agricultural Preserve Overlay District within the sphere of influence of the City of Chino or of the City of Ontario, as designated upon the land use district maps of the County General Plan.

Adopted Ordinance #3670 (1996);

##### **46.052 Owner Responsible for Payment for Uniform Handling Service.**

(a) The owner of each dwelling or commercial or industrial unit subject to Uniform Handling Service shall be required to accept, and pay the applicable rate set out in the Total Rate for, the Uniform Handling Service rendered to such unit by a Grantee and shall place at a location accessible to the Grantee, a container(s) of adequate capacity and functional design in accordance with this Division and with Division 3 of Title 3 of this Code for the storage of Solid Waste generated on the premises. Such owner shall be responsible to provide such container(s) unless the Franchise Agreement requires the Grantee to provide such container(s).

(b) Nothing in this Section is intended to prevent the entering into of an arrangement, or the continuance of an existing arrangement, approved in writing by the Grantee, under which statements or invoices for Uniform Handling Service are billed to and payments are made by a tenant or tenants, or any agent, on behalf of the owner. However, unless otherwise provided therein, any such arrangement shall not lessen or substitute for the owner's obligation to the Grantee or, unless separately approved in writing by the Department, to the County under this Division.

Adopted Ordinance #3670 (1996);

##### **46.053 Failure to Provide Sufficient Solid Waste Containers.**

When in the judgment of the Director (whether or not at the request of the Grantee or owner) additional Solid Waste container(s) compatible with the Solid Waste Handling system are required, they must be provided by the owner, or by the Grantee if the Franchise Agreement requires the Grantee to provide container(s), upon written notification by the Director. All containers shall conform to the requirements of Sections 33.086 and 33.087 of this Code.

Adopted Ordinance #3670 (1996);

##### **46.054 Exemption from Uniform Handling Service.**

(a) Dwellings.

(1) The owner of any dwelling may apply to the Department for exemption from Uniform Handling Service by submitting a written application to the Director accompanied by a non-refundable application fee requesting a

permit to provide self-haul Solid Waste Handling. This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the Director upon submittal of an application therefor and payment of the application fee to the Department.

(2) The exemption and renewal applications shall be made on forms approved by the Director.

(3) The owner may be granted an exemption provided he or she can adequately document that he or she can properly transport all Solid Waste generated on the premises, in a safe and sanitary manner, to an approved Solid Waste Facility. The Director may require the owner to furnish evidence of such delivery of waste.

(4) The application fee shall include an administrative fee as determined by the Board, if any, in addition to the pre-payment of the average annual landfill disposal cost for County residents as determined by the Director. Each application for annual renewal of such an exemption shall be accompanied by the administrative fee plus the applicant's required pre-payment of the average annual landfill disposal cost. This pre-payment will be retained by the Department as a pre-payment for one year's weekly Solid Waste disposal. The pre-payment requirement shall be waived with respect to residences located within those land use areas for which parcel fees are collected for the operation of County Solid Waste Disposal System.

(5) The Director shall provide the owner who pays the pre-payment of the average annual landfill disposal cost with a card or other document which attests to such pre-payment and which allows weekly disposal privileges at all facilities within the County Solid Waste Disposal System in a manner consistent with the disposal rights of a resident who has paid a parcel fee for the operation of County Solid Waste Disposal System.

(6) Should the owner violate any provisions of this Division or of any provision of Chapter 7 or Chapter 8 of Division 3 of Title 3 of the San Bernardino County Code, the Director may, upon advance written notice to the owner, revoke the exemption and require the owner to subscribe to and pay for Uniform Handling Services as described in this Chapter.

(b) Commercial/Industrial Units.

(1) The owner of any commercial or industrial unit may apply for exemption from Uniform Handling Service by submitting a written application to the Director on a form issued by the Director, accompanied by a non-refundable application fee, requesting a permit to provide self-haul Solid Waste Handling and transportation. This permit, if approved, shall be valid for one (1) year, and must be renewed annually thereafter at the discretion of the Director upon submittal of application therefore and deposit of application fees to the Director.

(2) The exemption and renewal applications shall be on a form approved by the Director.

(3) The owner may be granted an exemption provided he or she can establish to the satisfaction of the Director that he or she can properly transport all Solid Waste generated on the premises, to an approved Solid Waste Facility, in a safe and sanitary manner in accordance with each of the following conditions:

(A) The vehicles and equipment to be used for transporting the Solid Waste shall be identified in the application by the owner;

(B) The vehicles used shall meet all the standards, if any, prescribed for such use by the California Vehicle Code; and

(C) A credit account with the Department must be maintained in good standing.

(4) The Director may require the owner to furnish evidence of such delivery of Solid Waste.

(5) The application fee shall include an administrative fee as determined by the Board, if any.

(6) Should the owner violate any provision of this Division or any provision of Chapter 7 or Chapter 8 of Division 3 of Title 3 of the San Bernardino County Code, the Director may, upon advance written notice to the owner, revoke the exemption and require the owner to subscribe to and pay for Uniform Handling Services as described in this Chapter.

Adopted Ordinance #3670 (1996);

#### **46.055 Temporary Discontinuance of Service.**

(a) Any residential owner may discontinue Uniform Handling Service by a Grantee up to two (2) times during a given fiscal year (i.e., July 1 - June 30). Each discontinuance of service shall be for periods of thirty (30) days or more and shall be allowed only if the serviced residence will be unoccupied and no appreciable amount of waste will be generated throughout the entire period of discontinuance.

(b) The owner shall give written notification to the Grantee at least fifteen (15) working (waste collection) days prior to the first day of the period for which discontinuance of service is requested pursuant to this Section.

(c) Special discontinuance/resumption of Uniform Handling Services schedules may be approved by the Director for vacation homes. Such special schedules may allow for Uniform Handling Services to be provided at specified intervals which are different from regular service intervals and may contain such special provisions as to discontinuance or resumption fees as are deemed appropriate by the Director.

(d) Should an owner, after discontinuing service, request that service be re-established, the Grantee may charge a resumption fee equal to, but not exceeding, fifty percent (50%) of the cost for one (1) month's regular Uniform Handling Service as specified in the applicable Franchise Agreement. In no event shall a resumption fee exceed Fifty Dollars (\$50.00).

(e) Any discontinuance of service established pursuant to this Section shall be canceled if the Director

determines that the conditions cited in subsection (a) of this Section no longer exist. Any special handling schedule established pursuant to this Section shall be canceled if the Director determines that a violation of Sections 33.083, 33.084 or 33.085 of this Code has or will occur on account of such special schedule.

Adopted Ordinance #3670 (1996);

**46.056 Handling of Delinquent Accounts.**

(a) The Total Rate owed by the owner of a dwelling or commercial or industrial unit for Uniform Handling Service rendered to such owner's property (or which have been attempted to be rendered, if Uniform Handling Service is not allowed to be provided by action of the owner or tenant) shall be a civil debt owed to the Grantee providing the Uniform Handling Service. As used herein, "Delinquent Fees" shall mean the fees under the Total Rate which are due for Uniform Handling Service rendered to an owner's property (or which have been attempted to be rendered, if Uniform Handling Service is not allowed to be provided by action of the owner or tenant) but which have not been paid for ninety (90) days or more after the mailing of the invoice related to such service.

(b) Any Delinquent Fees, and the related penalties and interest and costs of collection, shall be considered a debt owed to the County.

(c) Quarterly each Grantee shall provide a list to the Department of all accounts which have Delinquent Fees. This list shall set out the amount of the Delinquent Fees, the time period for which the services related to the Delinquent Fees were provided, the identity of the property to which the service has been provided and the owner of such property.

(d) Pursuant to California Health and Safety Code Sections 5473 through 5473a, the County elects to have Delinquent Fees, and the related penalties and interest and costs of collection, collected on the tax roll in the same manner, by the same person, and at the same time as, together with but not separately from, its general taxes. This election shall remain in effect until June 30, 2016.

(1) Pursuant to Health and Safety Code section 5473.10 the County hereby imposes:

(A) A basic penalty of ten percent (10%) of the Delinquent Fees, which shall be assessed and shall be due and owing at the same time and in the same manners as the Delinquent Fees; and

(B) Simple interest on the Delinquent Fees of one and one-half percent (1 1/2%) per month, which interest shall be assessed and shall be due and owing at the same time and in the same manner as the Delinquent Fees.

(2) The County shall cause a written report to be prepared each year and filed with the Clerk of the Board. The report shall contain a description of each parcel of real property receiving Uniform Handling Service for which Delinquent Fees exist, and the amount of the Delinquent Fees (and the associated basic penalty and interest and costs of collection) related to that real property.

(3) After providing any statutorily required notice and holding any statutorily required hearing, and following the final determination of the Board as to the Delinquent Fees detailed in the report, the Clerk of the Board shall, on or before August 10 of each year, file with the County Auditor/Controller-Recorder a copy of the report with a statement endorsed thereon over his or her signature that the report has been finally adopted by the Board. The Auditor/Controller-Recorder shall then enter the amounts of the Delinquent Fees (and the associated basic penalty and interest and costs of collection) against the respective lot or parcel of land as they appear on the current assessment roll.

(e) Any Delinquent Fees (and the associated basic penalty and interest and costs of collection) which are collected by the County shall be allocated as follows:

(1) First, to the County up to the amount of the County's costs of collection;

(2) Next, to the Grantee which provided the Uniform Handling Service which gave rise to the Delinquent Fees, up to the amount of the Delinquent Fees and the associated interest provided for in subsection (d)(1)(B);

(3) The remainder, if any, to the County.

(f) As used herein, the County's costs of collection include, but are not limited to, any staff time and related expenses or department charges involved in preparing the report, placing the Delinquent Fees on the tax roll, collecting or distributing the Delinquent Fees and determining which monies received by the Department from the tax collector relate to which Delinquent Fees account.

(g) The County has no liability to pay the Grantee any amount or sum for any Delinquent Fees and/or the associated interest to the extent same are not collected by the County.

Adopted Ordinance #3670 (1996); Amended Ordinance 3972 (2006)

**46.057 Discontinuance of Service.**

Unless Grantee is otherwise directed by Director, Grantee shall not refuse to provide, or discontinue the providing of, Solid Waste Handling service to any subscriber in a Uniform Handling Area required to subscribe for Uniform Handling Service.

Adopted Ordinance #3670 (1996);

**46.058 Penalties for Violations.**

Except as otherwise allowed in Section 46.054, it shall be unlawful for any Person to fail or refuse to subscribe or pay for Uniform Handling Services implemented under this Chapter. Such a failure or refusal to subscribe or pay for required Uniform Handling Services shall subject such Person to the penalties provided in Section 46.111.

Adopted Ordinance #3670 (1996);

**46.059      Illegal Dumping Retrieval Service Fee.**

Within Uniform Handling Areas, at the direction of the County, Grantee agrees to bill subscribers for and collect an Illegal Dumping Retrieval Service Fee as established from time to time by the Board as part of the County Code. Such fee may be changed by the Board, by providing sixty (60) days written notice of a change to Grantee. The Grantee, as directed in writing by the County, shall either remit the fee collected to the County or provide mutually agreed upon specified illegal dumping retrieval and disposal services.

Adopted Ordinance #3670 (1996);